

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ILLYAK NEGRONI-SANTOS,
Plaintiff,

v.

CIVIL NO. 05-2221(DRD)

**PLATINUM MUSIC, INC., FRANCISCO
TORRES DAVILA, et als.**

MOTION	RULING
<p>Date Filed: 12/05/05 <input checked="" type="checkbox"/> Piff <input type="checkbox"/> Deft <input type="checkbox"/> Other</p> <p>Title: NOTICE OF PARTIAL DISMISSAL AS TO CO-DEFENDANT DISTRIBUIDORA NACIONAL DE DISCOS</p> <p>DOCKET NO. 12</p>	<p>GRANTED. Plaintiff in the instant case filed a notice of voluntary dismissal. Through said notice, plaintiff requests the Court to dismiss co-defendant Distribuidora de Discos, Inc. without prejudice as a party defendant to the instant case. Understanding that Fed.R.Civ.P. 41(a)(1) authorizes plaintiffs to request a voluntary dismissal by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment, and that Distribuidora de Discos, Inc. has done neither, the Court hereby GRANTS plaintiffs' request and DISMISSES WITHOUT PREJUDICE all claims against co-defendants Distribuidora de Discos Inc.¹ Partial Judgment to be issued accordingly.</p>

Date: December 7, 2005

S/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE

¹The Court sees little possibility of an appeal. Hence, the Court will issue Partial Judgment notwithstanding the strong policy disapproving this practice. The First Circuit strongly disfavors partial judgments as they foster piecemeal appeals. See Nichols v. Cadle Co., 101 F.3d 1448, 1449 (1st Cir. 1996) ("piecemeal appellate review invites mischief. Because the practice poses a host of potential problems we have warned, time and again, that Rule 54(b) should be used sparingly."); Zayas-Green v. Casaine, 906 F.2d 18, 21 (1st Cir. 1990) ("This final judgment rule . . . furthers 'the strong congressional policy against piecemeal review.'" Id. (quoting In re Continental Investment Corp., 637 F.2d 1, 3 (1st Cir. 1980))); Comite Pro Rescate De La Salud v. Puerto Rico Aqueduct and Sewer Authority, 888 F.2d 180, 183 (1st Cir. 1989); Consolidated Rail Corp v. Fore River Ry. Co., 861 F.2d 322, 325 (1st Cir. 1988); Spiegel v. Trustees of Tufts Coll., 843 F.2d 38, 43 (1st Cir. 1988); Santa Maria v. Owens-Ill., Inc., 808 F.2d 848, 854 (1st Cir. 1986)); see also United States v. Nixon, 418 U.S. 683, 690 (1974).